

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1401

Introduced by Assembly Member Ma
(Principal coauthor: Senator Leno)

February 27, 2009

An act to add Chapter 10.1 (commencing with Section 46100) to Division 17 of the Food and Agricultural Code, relating to organic foods.

LEGISLATIVE COUNSEL'S DIGEST

AB 1401, as amended, Ma. Transition to Organics Act.

Existing law prohibits a food from being sold as organic unless it meets certain criteria, and accurate and specific records are kept detailing its production, handling, and sale.

This bill would enact the California Transition to Organics Act of 2009. The bill would establish the Transition to Organics Fund, which would consist of moneys from federal, industry, and citizen sources. The bill would limit the expenditure of moneys from the fund to providing financial assistance to ~~farmers~~ *persons* who transition ~~from conventional~~ *their uncertified* farms to certified organic farms and to covering administrative and operational expenses incurred in administering the act, as specified. The fund would be administered by the Secretary of Food and Agriculture, and the secretary would be authorized to adopt regulations to carry out the provisions of the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.1 (commencing with Section 46100) is added to Division 17 of the Food and Agricultural Code, to read:

CHAPTER 10.1. TRANSITION TO ORGANICS ACT

46100. This chapter shall be known and may be cited as the “California Transition to Organics Act of 2009.”

46101. This act shall be shall be interpreted in conjunction with the National Organic Program (7 U.S.C. Sec. 6501 et seq.), the California Organic Products Act of 2003 (Chapter 10 (commencing with Section 46000) of this code, and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code), and the regulations adopted pursuant to the National Organic Program and the California Organic Products Act of 2003.

46102. For purposes of this chapter, the following definitions apply:

(a) “Act” means this chapter.

~~(b) “Agricultural product” means any agricultural commodity or product, whether raw or processed that is marketed in the United States for human or livestock consumption.~~

~~(c) “Certified organic farm” means a farm, or portion of a farm, or site where agricultural products are produced, that is certified by a certifying agent on or after January 1, 2010, pursuant to the National Organic Program and the California Organic Products Act of 2003 as utilizing a system of organic farming.~~

~~(d) “Conventional farm”~~

(b) “*Uncertified farm*” means any farm, or portion of a farm, that is not a certified organic farm, and has submitted a pesticide use report for that farm pursuant to Section 12979, prior to January 1, 2010.

~~(e) “Organically produced” means an agricultural product that is produced and handled in accordance with the National Organic Program and the California Organic Products Act.~~

~~(f)~~

(c) “Person” means an individual, group of individuals, corporation, association, organization, cooperative, or other entity.

1 ~~(g) “Pesticide” means any substance that alone, in chemical~~
2 ~~combination, or in any formulation with one or more substances;~~
3 ~~is defined as a pesticide in the Federal Insecticide, Fungicide, and~~
4 ~~Rodenticide Act (7 U.S.C. 136 et seq.).~~

5 ~~(h) “Secretary” means the Secretary of Food and Agriculture.~~

6 46103. The Transition To Organics Fund is hereby created.
7 The Transition To Organics Fund is not a fund of the State
8 Treasury. Transfers to the Transition To Organics Fund may be
9 deposited in the State Treasury, or in a bank or other depository
10 approved by the Department of Finance. Notwithstanding any
11 other provision of law, the moneys in the Transition to Organics
12 Fund shall not be transferred to any other fund or encumbered or
13 expended for any purpose other than as provided in this act.

14 46104. The Transition To Organics ~~fund~~ *Fund* shall consist of
15 moneys deposited into the fund from federal, industry, and citizen
16 sources. No moneys from the General Fund shall be deposited into
17 the Transition to Organics Fund.

18 46105. The Transition To Organics Fund shall be administered
19 by the secretary. The secretary may adopt regulations as needed
20 to carry out the provisions of this act.

21 46106. Expenditure of funds by the secretary pursuant to this
22 act shall be limited to the following:

23 (a) Providing financial assistance to ~~farmers~~ *persons* who are
24 ~~transitioning from conventional~~ *their farms from uncertified* farms
25 to certified organic farms pursuant to the following procedure:

26 (1) Upon obtaining organic certification *on or after January 1,*
27 *2010,* to sell organically produced products, for the first year of
28 the organic certification, a ~~farmer transitioning from a conventional~~
29 ~~person transitioning an uncertified~~ *farm to a certified organic farm*
30 may apply for and receive a reimbursement of 25 percent of the
31 costs associated with obtaining organic certification *for that farm,*
32 including inspection fees, application fees, and annual fees.

33 (2) The maximum amount of payment made for any farm
34 ~~transitioning from a conventional~~ *an uncertified* farm to a certified
35 organic farm shall be two hundred fifty dollars (\$250).
36 Reimbursement shall be made on a first-come-first-served basis,
37 and shall be contingent upon sufficient funds being available in
38 the Transition to Organics Fund.

1 (b) Administrative and operational expenses incurred *by the*
2 *secretary* in the administration of this act not to exceed 10 percent
3 of the total moneys deposited into this fund.

4 46107. The secretary may administer the disbursement of
5 moneys from the Transition to Organics Fund in coordination with
6 the procedures associated with the federal Organic Certification
7 Cost-Share program authorized under Section 6523 of Title 7 of
8 the United States Code.

9 46108. The secretary shall receive and accept on behalf of the
10 Transition to Organics Fund, any contribution of money from any
11 person, or any agency of this state or the United States to the
12 Transition to Organics Fund, and shall deposit those contributions
13 in the Transition to Organics Fund.

14 46109. The secretary shall keep records of the contributions
15 to, and disbursements from, the Transition to Organics Fund. These
16 records shall be publicly available upon request. These records
17 shall be made available annually to the California Organic Products
18 Advisory Committee established pursuant to Section 46003.